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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IVAN SIGMOND

Defendant.

CASE NO. 1:20-CR-00160-DAD-BAM

AMENDED STIPULATION TO VACATE STATUS
CONFERENCE DATE, SET THE MATTER FOR
TRIAL, AND EXCLUDE TIME PERIODS UNDER
THE SPEEDY TRIAL ACT; AND ORDER

CURRENT DATE: September 28, 2022
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on September 28, 2022.
2. The parties hereby request that the Court vacate the current status conference date, set this matter for trial on August 8, 2023, and exclude time between September 28, 2022, and August 8, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties further request a trial confirmation date be set for July 24, 2023. The parties anticipate that the trial will take 2-3 days.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.
 - b) The parties are in ongoing plea discussions and believe that this case may resolve without a trial.

c) Counsel for defendant desires additional time to confer with his client about a possible resolution, to review discovery, and to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 28, 2022, to August 8, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 23, 2022

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JESSICA A. MASSEY
JESSICA A. MASSEY
Assistant United States Attorney

Dated: September 23, 2022

/s/ DAVID BALAKIAN
DAVID BALAKIAN Counsel
for Defendant IVAN SIGMOND

FINDINGS AND ORDER

IT IS SO ORDERED that the status conference set for September 28, 2022, is vacated. A jury trial is set for **August 8, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Estimated time of trial is **2-3 days**. A trial confirmation is set for **July 24, 2023, at 8:30 a.m. before District Judge Ana de Alba**.

Time shall be excluded from September 28, 2022, through August 7, 2023, pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv), to allow the parties to sufficiently prepare for trial and continue their plea discussions. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: September 26, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE